

Village of Irvington
Zoning Board of Appeals

Minutes of Meeting held February 27, 2001

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 P.M., Tuesday, February 27, 2001, in the Trustees' Meeting Room, Town Hall, Irvington, N.Y.

The following members of the Board were present:

Louis C. Lustenberger, Chairman
Robert L. Bronnes
Bruce E. Clark
Paul Giddins
Robert C. Myers
George Rowe, Jr.

Mr. Lustenberger acted as Chairman and Mr. Rowe as Secretary of the meeting.

There were two matters on the agenda:

- 2001-01 Marc and Selene Smerling - 32 North Dutcher Street (Sheet 5, Block 209; Lot 1)
- 2001-02 Astor Street Associates, LLC - South Astor Street (Sheet 7A; Block 230)

Smerlinas

The Smerlings seek a variance to permit additions to their existing residence at the side and rear of the existing building.

The Smerlings were represented by Samuel F. Vieira, Architect, Sleepy Hollow, New York, who presented and discussed drawings of the proposed additions, including the variances which would be required on account of the invasion of the side yard and rear yard set backs, and by an increase in the coverage of the lot by the existing and proposed-building. The building, as it presently exists, is a non-conforming use. The drawings included a site plan, first floor plan, second floor plan, south side elevation, front elevation, rear elevation, and north side elevation.

The building inspector, by letter dated December 27, 2000, had refused a building permit because of the further incursions into the side yard and rear yard and the increase of the lot coverage from 24% to 38% of an existing non-conforming use.

A letter had been filed with the Board, signed by residents of North Dutcher Street, objecting to the proposed additions, on the grounds that the building, as proposed to be modified, would be out of character with

existing homes on the street, would double the size of the existing building, larger than any single family home on the street, and depart from the usual practice in the neighborhood of having one story garages located in the rear of the property, not two story side yard constructions. Donald Seus, a resident of North Ecker Street, spoke in opposition to the proposed additions, pointing out they were too large and out of character with the neighborhood. Additional letters were also received from neighbors Mr. and Mrs. Jones, Mr. and Mrs. Sanders, and Mr. Warnock.

The Chairman pointed out to Mr. Smerling, who was also present at the meeting with Mr. Vieira, that it was highly unlikely that the variances requested, if put to a vote, would be approved, in view of their substantial nature and in view of the well-founded objections of neighbors.

The applicants thereupon withdrew their application.

Astor Street Associates, LLC

This is an application to convert the former Metropolitan Transportation Authority electrical substation located on Astor Street into a multi-family housing project.

The applicants were represented by Stefanie A. Basher, an attorney with the firm of Collier, Halpern, et al., White Plains, New York, attorneys for the applicant, Paul D. Sirignano, a member of that firm, and by David Barent, Architect.

The applicant had submitted an application dated February 8, 2001 which included a sketch of the location and a sketch of the proposed conversion. The Board had also received a letter from the Chairman of the Planning Board, indicating the Planning Board's concerns with the application.

The applicant seeks an interpretation of Section 243-39E(1), to the effect that a special permit will lie if the conversion consists solely of a multi family residence, and variances from § 7-736(2) of the Village Law and § 243-52 of the Zoning Ordinance, to permit access to the building through the MTA parking lot and the building's parking lot, respectively.

David Greenberg of 100 South Buckhout objected to the application. He made the following points:

1. It will substantially contribute to the pollution and noise in the neighborhood;
2. It will adversely affect the environment;

3. It will create traffic problems, primarily because the provision of one parking place per apartment would clearly be inadequate, and there is no other place for the additional cars to go;

4. The embankment immediately to the east of the proposed building is sloping and unstable; and

5. The building will face residences on South Buckhout Street and compromise their privacy.

The Chairman said that most of these objections should to be addressed to the Planning Board.

The Chairman, after thorough discussion with the representatives of the applicant, stated that it was his opinion that the ordinance required that the building comprise not only a multi family residence but also some form of public facility, as was the case in the conversion of the Burnham building. The Board unanimously approved the Chairman's interpretation of the Code.

On the subject of access, the Board (1) granted a variance from Village Law § 7-776(2) obviating the need for frontage on a public street; (2) declined to grant a variance from § 243-52 of the Zoning Ordinance which if granted would permit access through the parking lot because, on the present state of the record, a variance might depend on other factors, such as the number of

proposed residences and the number of parking places. The Board observed that the applicant could, however, advise the Planning Board that, in principle, the Board did not contemplate that there would be a problem with such access.

There being no further business to come before the meeting, it was, upon motion duly made and seconded, unanimously adjourned.

A handwritten signature in black ink, appearing to read "George Rowe", written in a cursive style.

George Rowe, Jr.